

In the Matter of License No.183830 Merchant Mariner's Document No.  
Z-49423-D4 and all other Seaman Documents  
Issued to : KENNETH F. CURTIN

DECISION AND OF THE COMMANDANT  
UNITED STATES COAST GUARD

1032

KENNETH F. CURTIN

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 Code of Federal Regulations 137.11.-7

By order dated 1 November 1957, an Examiner of the United States Coast Guard at San Francisco, California, suspended Appellant's seaman documents upon finding him guilty of misconduct. The specification alleges that while serving as Junior Third Assistant Engineer on the American SS PRESIDENT TYLER under authority of the license above described, on or about 22 March 1957, Appellant failed to join his ship.

At the hearing, Appellant entered a plea of guilty and explained that he had been verbally misinformed ashore as to the sailing time although the sailing board was correctly posted for departure at 1500. The Examiner concluded that the charge and specification had been proved by plea. An order was entered suspending all documents, issued to Appellant, for a period of four months, This included a prior probationary suspension of three months.

FINDINGS OF FACT

On 22 March 1957, Appellant was in the service of the American SS PRESIDENT TYLER as Junior Third Assistant Engineer and acting under authority of his License No. 183830. Appellant failed to join his ship upon her departure from Hong Kong at 1500 on this date. The sailing board was posted with the scheduled sailing time 1500. Appellant did not rejoin the ship.

Appellant's prior record consists, of two offenses of failure to join. For the latter of these, Appellant's document's were suspended for three months on twelve months' probation in May 1956.

OPINION

This appeal is on the grounds that the order is excessive and

creates undue hardship. It is my opinion that the order is justified in view of Appellant's prior record of two similar offenses while serving as a licensed officer. Three of the four months' suspension ordered herein were the result of violation of the probation imposed in 1956 for Appellant's failure to join another ship. The additional one month suspension for the current offense is not excessive in view of Appellant's responsibilities as an officer and the fact that it is sometimes difficult to obtain replacements in foreign ports.

ORDER

The order of the Examiner dated at San Francisco, California,  
on 1 November 1957, is AFFIRMED.

J.A. Hirshfield  
Rear Admiral, United States Coast Guard  
Acting Commandant

The order of the Examiner dated at San Francisco, California  
on 1 November 1957, is AFFIRMED.